



SYLLABUS

Class – B.Com. (Hons.) III Year

Subject – Income Tax Law & Practice

Unit-I	General introduction of Indian income tax act, 1961. Basic concepts: income, agriculture income, casual income previous year, assessment year, gross total income, total income, person assessee, residential status and tax liability, exempted income.
Unit-II	Income from salary, income from house property.
UNIT – III	Computation of taxable income from business of profession. Capital gains, income from other sources.
UNIT – IV	Set off and carry forward of losses: Deduction from gross total income – with special reference to section 80C, 80D, 80G, 80-1A and 80-1B.
UNIT – V	Procedure for computation of total income (taxable income) of individual. Income tax rates applicable for individual's computation of total income and tax payable.



UNIT-I

Indian Tax System & Income Tax Law

Taxation is the major Instrument in the hand of the modern Governments to raise finance to meet expenditure done on various public services. It is a compulsory obligation on the peoples and the payment of which is the legal duty of the citizens. It may be on their property. Income and even it may be required to pay at the time of manufacturing and selling or purchasing a commodity. Tax constitute the major source of the government's income.

SALIENT FEATURES OF INDIAN TAX SYSTEM

1. Three Tire TaxSystem
2. Various Types of Taxes
3. Important sources are in hands of the Central Government
4. Composition of Tax Structure
5. Modrate Rates of Taxes
6. Direct and Indirect Taxes
7. Public Revenue and National Income
8. Local Finance
9. Elasticity in State Revenue
10. Integration between Central and State Revenue
11. Incidence of Taxation
12. Tax Evasion and Corruption

IMPORTANT DEFINITIONS

GROSS TOTAL INCOME

Gross Total Income means aggregate amount of taxable income computed under five heads of income i.e. salaries, house property, business & profession, capital gains and other sources. In other words, Gross Total Income means total income computed in accordance with the provisions of the Act before making any deduction under sections 80C to 80U.

In Simple words, the aggregate amount of the following heads of income is called Gross Total Income –

- (i) Salaries (Cash receipts and perquisites from the employer),
- (ii) Income from House Property (Rental income)
- (iii) Profits an Gains of Business or Profession,
- (iv) Capital Gains from transfer of movable and immovable assets,
- (v) Income from other Sources i.e. interest, royalty, lottery etc.

TOTAL INCOME

The following are the current rates of taxation for an individual, Hindu, Undivided Family, firm, company and co-operative society for the assessment year 2018-19.



Basic concepts of Income Tax

Meaning of Income Tax

Income tax is a tax on year taxable income of a person levied by the Central Government at prescribed rates. Tax payers include individual, firm, company, Hindu undivided family, association of persons, trust etc. Taxable income means income calculated under the provisions of the Income Tax Act, 1961

Salient Features of Income Tax-

1. Central Tax
2. Direct Tax
3. Tax on Taxable Income
4. Progressive rates of Tax
5. Scope of Taxation not only with individual but also with firm, company, HUF, Trust & Co-Operative Societies
6. Tax Exemption limit
7. Burden on Rich class persons
8. Separate Administration
9. Distribution of Tax between Central and State Government
10. It is largest source of revenue.
11. Tax for country welfare
12. History of income Tax in India is about 150 years old.
13. Control on Income by Income tax
14. Beginning of Income Tax by sir James Wilson in 1860 in India.

Income [Section 2(24)]

Though 'Income' is a very important word for the Income Tax Act but no precise definition of the word "Income" is attempted under the Income Tax Act, 1961. The term "Income", in the context of the Act, is inclusive. The narration given in Sub-Section (24) of Section 2 of the Act enumerates certain items, including those which cannot ordinarily be considered as income but are treated statutorily as such.

Definition of Income [Section 2(24)]

Income Includes:-

1. Profit and gains;
2. Dividend;
3. Voluntary contributions received by a trust.
4. The value of a perquisite or profit in lieu of salary.
5. Any special allowance or benefit other than perquisites included under 4.
6. Any allowance granted to the assessee either to meet his personal expenses at the place where the duties of his office



7. The value of any benefit or perquisite obtained from a company.
8. Any compensation
9. Profit on sale of License
10. Cash assistance received
11. Any interest, salary, bonus, commission/remunerations
12. Profit/gain of mutual or co-operative insurance co.
13. Capital gain arising from transfer of capital gain
14. Any sum received under a key man insurance policy.

Agricultural Income [Section 2 (1A)] Definition of Agriculture Income

Sec. 2(1A) defines "agricultural income" to mean –

- (A) any rent or revenue derived from land which is situated in India and is used for agricultural purposes,
- (B) any income derived from such land by agriculture or by the process employed to render the produce fit for the market or by sale of such produce by a cultivator or receiver of rent in kind,
- (C) Any income derived from any building provided the following conditions are satisfied (i) The Building is immediate vicinity of the agriculture land (ii) it is occupied by the cultivator or receiver of rent or revenue (iii) It is used as a dwelling house or store house/out house. (iv) The land is assessed to land revenue or a local rate.
- (D) Any income derived from saplings/seedling grown in a nursery shall be deemed to be agricultural income.

Partly Agricultural Income Shown by Chart

S.No.	Partly Agricultural Income	Agricultural Income	Non Agricultural Income
1	Growing & manufacturing tea in India	60%	40%
2	Growing & cured coffee in India by the seller	75%	25%
3	Sale of Coffee grown, cured, roasted and grounded	60%	40%
4	Sale of centrifuged latex or cenex manufactured from rubber	65%	35%
5	Other Agricultural produce grown by the manufacturer and used for own product.	Market value of agricultural produce used in production	Remaining Business income will be taxable.



Income connected with land but not agricultural income –

1. Profit earned on purchasing the standing crop.
2. Income from mines
3. Income from self grown grass, trees/bamboos
4. Divided from a company engaged in Agricultural
5. Income from warehouses and godowns.
6. Income from land used for brick making
7. Income from supply of water for irrigation purposes.
8. Remuneration for managing agricultural property.
9. Income from dairying.
10. Interest accrued on promissory notes executed for arrears of rent.

Agricultural Income and Tax Liability –

Though agricultural income is exempt and it is not included in computation of total income of an assessee but from tax calculation point of view it is added to total income. The agricultural income is integrated with non-agricultural income in those cases where assessee has both incomes. Such integration is done only in the case of individual, HUF, AOP/BOI and Artificial juridical person.

Condition for Integration -

When the following two conditions are satisfied-

- (i) Non agricultural income of the assessee exceeds the maximum exemption limit which for the assessment year 2018-19 is Rs. 2.5 lakh in the case of an individual, Women and HUF in case of Senior citizen it will be Rs. 3,00,000 and Super senior citizen Rs. 5,00,000 instead of Rs. 2,50,000/-.
- (ii) Net agricultural income exceed Rs. 5,000



Procedure for computation of Tax-payable on non-agricultural income after Integration-

1. Aggregate the Agricultural income with non Agricultural income and determine the tax payable on such amount.
2. Aggregate the Agricultural income with basis exemption limit and determine the tax payable on such amount.
3. The difference between the tax computed in step (a) and step (b) will be the tax payable in respect of non-agricultural income.

CASUAL INCOME

Causal Income means such income the receipt of which is accidental and without any stipulation. It is the nature of an unexpected windfall.

Though causal income is fully taxable but it is necessary to clear this meaning from the following point of view –

1. Causal income like lottery, race income are taxable at special rate of 30%
2. Causal income cannot be set off against other causal income as well as casual income cannot be used for setting off loss of other head.

4. ASSESSMENT YEAR : (2018-2019)

It means the period of twelve months commencing on 1st of April every year. In other words period of 12 months – 1st April to 31st March is called assessment year.

5. PREVIOUS YEAR (Section 3)(2017-2018)

Previous year means the financial year immediately preceding the assessment year e.g. for the assessment year 2018-2019 previous year will commence on 1st of April, 2017 and end on 31st March, 2018. Previous year for income tax purposes will be financial year which ends on 31st of March, however the assessee can close his books of accounts on other date e.g. an assessee may maintain books of accounts on calendar year basis but his previous year, for Income Tax purpose, will be financial year and not the calendar year. This uniform previous year has to be followed for all sources of income.

Important points in relation to previous year: Under the following situation the previous year would be -

1. Where a different accounting year is followed
2. Previous year in case of newly set up business
3. In case of newly created source of income



Exception to the rule of Previous

Year: These exceptions are:

1. Shipping business income of non-resident ship-owners
2. In case of persons leaving India
3. In case of persons who are likely to transfer their assets to avoid tax
4. In case of discontinued business

PERSON [SECTION-2 (31)]

The term 'person' includes:

- (1) An individual
- (2) A Hindu undivided family
- (3) A Company;
- (4) A Firm;
- (5) An association of persons or a body of individuals, whether incorporated or not;
- (6) A local authority like Municipalities, Panchayats, Cantonment Boards, Port Trusts etc.
- (7) Every artificial juridical person Like Life Insurance Corporation, University etc.

ASSESSEE [SECTION-2 (7)]

In simple word, An Assessee is a person who is liable to pay any sum under Income Tax Act or in respect In respect of whom the proceeding have been initiated under this Act.

The word 'assessee' has been defined in Section 2(7) of the Act according to which assessee means a person by whom any tax or any other sum of money is payable under the Act and includes –

(a) **Every person:**

- (i) Who is liable to pay any tax; or
- (ii) Who is liable to pay any other sum of money under this Act (e.g. interest, penalty, etc); or
- (iii) In respect of whom any proceeding under this Act has been taken for the assessment of the income; or
- (iv) In respect of whom any proceeding under this Act has been taken for the assessment of the income of any other person in respect of which he is assessable; or
- (v) In respect of whom any proceeding under this Act has been taken for the assessment for the loss sustained by him or by such other person; or
- (vi) In respect of whom any proceeding under this Act has been taken for the amount of refund due to him or to such other person;

(b) **A Deemed Assessee:**

A person who is liable to pay tax not only on his own income but on the income of any another person. Deemed assesses includes legal representative, agent of non resident, guardian or manager of an infant and lunatic, trustees and administrators etc.

(c) **Who is deemed to be an assessee in default?**



A person is said to be an assessee in default if he fails to comply with the duties imposed upon him under the Income tax Act.

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- (vi) Salaries (Cash receipts and perquisites from the employer),
- (vii) Income from House Property (Rental income)
- (viii) Profits an Gains of Business or Profession,
- (ix) Capital Gains from transfer of movable and immovable assets,
- (x) Income from other Sources i.e. interest, royalty, lottery etc.

TOTAL INCOME

The following are the current rates of taxation for an individual, Hindu, Undivided Family, firm, company and co-operative society for the assessment year 2015-16.

BASIS OF CHARGE (TAX RATE)

Tax Rates –

Applicable tax rates for the Assessment Year 2018-19(Previous year 2017-2018) are as follows–



1. Tax rates applicable on individual and HUF (less than 60 years)-

Income	Tax Rate
On First Rs. 250000	NIL
On Next Rs. 250001 to 5,00,000	5%
On Next Rs. 5,00,001 to 1000000	20%
On above 10,00,000	30%

2. **Resident senior citizen Assessee** (Whose age is 60 year or more but less than 80 years) Male or Female

Income	Tax Rate
On First Rs. 3,00,000	-
On Next Rs. 3,00,001 to 5,00,000	5%
On Next Rs. 5,00,001 to 10,00,000	20%
On above 10,00,000	30%

3. **Super Senior Citizen Assessee** (80 years or more)

Income	Tax Rate
On First Rs. 5,00,000	-
On Next Rs. 5,00,001 to 10,00,000	20%
On above 10,00,000	30%

4. **Partnership firm** - 30% flat Rate on Income of firm.

5. **Domestic Company** - Domestic Company 30% flat rate on income if income is more than Rs. 1 Crore then 5% Surcharge & 10% surcharge in case exceed of 10 Crore is also applicable on tax payable.

6. **Foreign Company** - Foreign Company 40% flat rate on income if income is more than Rs. 1 Crore then 5% Surcharge & 10% surcharge in case exceed of 10 Crore is also applicable on tax payable.

7. **Co-operative Society** -

Income	Tax Rate
On First Rs. 10,000	10%
On Next Rs. 10,000	20%
On remaining balance	30%

8. **Tax Rate on special income-**

a. Long term capital gain	20% (Flat)
b. Short term capital gain (U/s 111A)	15% (Flat)
c. Income on lottery, horse race, Cross word Puzzle etc.	30% (Flat)

9. **Education Cess** - 3% Education Cess is applicable on taxable Income of all type of assessee but in case of company education cess is applicable after adding of surcharge (if any).



INCOME WHICH DOES NOT FROM PART OF TOTAL INCOME

EXEMPTED INCOME

Section -10 of Income Tax Act laye down income which is totally or partially exempted from tax-

A. EXEMPTED INCOME FOR ALL ASSESSES

1. Agricultural Income Sec.10(1)
2. Share of income from partnership firm Sec. 10 (2A)
3. Share of HUF Income Sec. 10(2)
4. Scholarships – Sec.10(16)
5. Income as divided Sec. 10 (34 & 35)
6. Capital gain on transfer of u/s 64 (Sec. 10 (33)
7. Allowance of M.P./MLA Sec. 10 (17)
8. Award / reward Sec. 10 (17A)
9. Pension to gallantry award winner Sec. 10(18)
10. Family Pension received by the family members of armed forces Sec. 10(19).
11. Capital gain on compulsory acquisition of urban Agriculture land Sec. 10(37)
12. Interest on notified Government Securities Sec. 10(15)
13. Income of minor child which is clubbed Sec. 10(32) [Up to 1,500/- per child]
14. Compensation under Bhopal Gas Leak Disaster Sec. 10(10BB)
15. Income of subsidy from Tea Board Sec. 10(30)
16. Income of schedule Tribe members Sec. 10(26)
17. Amount received under a life Insurance Policy Sec. 10(26)
18. Income of subsidy from Rubber Board/Coffee Board /spices board / any other notified Board Sec. 10(31)
19. Income from Sukanya Samriddhi Account – Sec. 10(11)A.

B. EXEMPTED INCOME FOREMPLYEES

1. House Rent Exempted upto a certain limit Sec.10(13A)
2. a) Gratuity, Commuted pension, leave encashment to Government employees is fully exempted Sec. 10(10)
b) Gratuity, leave encashment, commuted pension to non-government, employees is exempted up to a certain limit.
3. a) Commutation of pension received by an employees pension for government employees, fully exempted Sec. 10(10A)
b) Pension for non-government employee exempted upto certain limit.
4. Leave travel concession in India Sec. 10(5)

Actual Amount Received or

Amount Prescribed or
less Amount Actual Spent

Which ever is

5. Amount received as leave encashment on retirement Sec.-10 (10AA)
 - a) Central/State Government Employee – Fully Exempted
 - b) Other Employee exempted upto certain limit
6. Compensation on retrenchment Exempted upto certain limit.Sec.10(10 B)



7. Allowance or perquisite outside India Sec 10(7)
8. Allowance/perquisite paid outside India by Indian Government is exempted.
9. Provident fund Sec.10(11)
 - a) P.F. received from Recognised P.F. fully exempted
 - b) P.F. received from unrecognised P.F. Taxable
10. Superannuation fund Sec.10(13)
11. Voluntary retirement Scheme Sec. 10(10c) (Amount received by this scheme is exempted upto 5 lakh.)
12. Tax on perquisite paid by the employer is exempted Sec. 10 (10 CC)
13. Special Allowance Sec. 10 (14) (performing duty & compensatory allow).

1	Travel/Tour Allowance	Actual or Actual Expanses (Whichever is less)
2	Education Allowance	100/- Per month Per Child (for 2 child)
3	Hostel Allowance	300/- Per month Per Child (for 2 child)
4	Transfer Allowance	70% of Allowance Or Whichever is less 6,000 Rs. Per month
5	Conveyance Allowance	Up to 1600/- Per month
6	Uniform Allowance	Tax Free
7	Helper Allowance	Actual Expenditure exempted
8	Tribal Area Allowance	Up to 200 Rs. Per month
9	Field Area Allowance	Rs. 2,600 Per month
10	Composite Hill Compensatory Allowance	From 300 Rs. to 7000 Rs. Per month. according to place
11	Border/Remote area allowance	200 to Rs. 1,300 Per month. according to place
12	Allowance to workers of coal mines	Rs. 500 Per month
13	High Attitude allowance	Rs. 1060 to Rs. 1600 Per month
14	Highly Active field area allowance	Rs. 4,200 Per month
15	Modified field area allowance	Rs. 1,000 per month.
16	Counter Insurgency Allowance	Rs. 3,900 per month.
17	Transport Allowance	Rs. 800 per month (Rs. 1600 per month in the case of handicapped, blind or disabled employee) w.e.f. 01.04.15 Rs. 1,600 and Rs. 3,200 respectively.
18	Island (Duty) Allowance	Rs. 3,250 per month.

C. EXEMPTED INCOME FOR INSTITUTIONS

1. Income of scientific research association Sec. 10(21)
2. Income of employee's welfare fund Sec. 10 (23AAA)
3. Venture capital fund/Company Sec. 10 (23F)
4. Income of news Agency Sec. 10 (22B)
5. Income of Professional institutions Sec. 10 (23A)
6. Income of Regimental Fund of the Armed forces Sec. 10(23AA)
7. Income of Khadi/Village industrial Sec. 10(23B)
8. Income of Khadi Board Sec. 10(23BB)
9. Income of the European Economic Community Sec. 10 (23BBB)
10. Income of statutory bodies Sec. 10 (23 BBA)
11. Income of pension fund (Set up by LIC) Sec. 10 (23AAB)



12. Income from mutual fund Sec. 10 (23D)
13. Income of Registered Trade unions Sec. 10 (24)
14. Income of local authorities Sec. 10(20)
15. Income of Co-operative Societies for Scheduled castes/Tribes Sec. 10 (27)
16. Income of political party Sec. 13 (A)
17. Income of the SAARC fund for regional Project Sec. 10(23BBC)
18. Income of a corporation promoting the interest of a minority community Sec. 10 (26BB)
19. Income of certain national funds Sec. 23 (c)

20. Income of Hospitals and Educational Institution association Sec. 10 (23C)
21. Exemption of income of Investor Protection Fund – Sec. 10 (23EA)
22. Income of Swachh Bharat Kosh and Clean Ganga Fund – Sec. 10 (23C)

D. EXEMPTIONS FOR NON-RESIDENT /FOREIGN CITIZEN

1. Interest received on securities.
2. Interest received by “non-resident(External) Account”
3. Interest from notified central Government if such certificates are subscribed in foreign currency.
4. Remuneration received by foreign diplomats.
5. Salary received by foreign citizen in India/by non-resident foreign citizen/by an employee being a foreign national.
6. Tax paid by Government /Indian concern in case of non-resident/Foreign company.
7. Income arising to notified foreign companies projects connected with security of India.
8. Foreign allowance granted by the Indian government to its employee posted abroad.
9. Remuneration received from foreign government by an individual who is in India in connection with any sponsored Co-operative technical assistance programme.
10. Remuneration received by non-resident consultants and their foreign employers.

E. EXEMPTIONS FOR OTHERS

1. Exemptions for newly established industrial undertaking in free trade zones Sec. 10 (A)
2. Exemptions for newly established industrial undertaking in special Economic Zone Sec. 10 (AA) after 31st March, 2005
3. Exemptions for newly established industrial undertaking Hundred percent export oriented undertakings Sec. 10(B)
4. Deduction in respect of export of artistic hand made wooden articles section 10 (BA)
5. Income exempted of charitable/Religions trusts Sec.-11

RESIDENTIAL STATUS AND TAX LIABILITIES

The tax liability under income tax is determined on the basis of residential status of an assessee but not according to the citizenship hence it becomes necessary that firstly the residential status of an assessee should be determined.



On the basis of residential status there are 3 categories of assessee:

- 1) Resident/Ordinary resident
- 2) Not ordinarily resident
- 3) Non resident

There are separate rules for different types of assessee like; individual, H.U.F., firm, companies etc. for determination of residential status.

Individual Assessee

- 1) **Resident / Ordinary Resident** : - If an individual wants to become resident in India, then he has to fulfill the basic condition as well as two additional conditions:
 - i) **Basic conditions:** In the basic conditions, there are two conditions. On satisfying any one of these, it will be assumed that the basic condition is satisfied.
 - a) The assessee must have lived for at least 182 days in India during the previous year.

OR

- b) The assessee must have lived for at least 365 days in 4 years preceding the previous year and at least 60 days in 4 years preceding the previous year.

EXCEPTIONS TO THE BASIC CONDITIONS

1. If an assessee is an India citizen and goes aboard for the employment purpose or leaves the country as a member of crew of an Indian ship.
2. If an assessee is an Indian citizen or an Indian origin, living in a foreign country and comes to India on tour during the previous year.

In both these exceptional cases an assessee has to live for at least 182 days for satisfying the basic condition.

ii) Additional Conditions

There are two additional conditions and assessee has to satisfy both of these conditions. These are :

- i) An assessee must have been assessed as resident for at least 2 out of 10 years preceding the previous year.

AND

- ii) An assessee must have lived for at least 730 days out of 7 year preceding the previous years.



Thus on satisfying any of the two basic conditions and two additional conditions an individual assessee can be termed as “ordinary resident”.

- 2) **Not Ordinarily Resident:** If an assessee satisfies the basic condition but fails to satisfy the two additional conditions, then he will be assessed as “not ordinarily resident”.
- 3) **Non Resident:** If an assessee fails to satisfy even the basic condition, then he will be assessed or” non resident”.

Hindu Undivided Family (H.U.F.)

- 1) **Resident :** An HUF will be assessed as resident in India if :
 - a) Management and control of the business is wholly/partly situated in India.
AND
 - b) “Karta” of the HUF satisfies the two additional conditions.
- 2) **Not Ordinarily Resident :** An HUF will be assessed as NOR if:
 - a) Management and control of the business is wholly/partly situated in India
BUT
 - b) Karta of HUF does not satisfy the two additional conditions.
- 3) **Non Resident:** An HUF will be assessed as non resident if control and management of the HUF is wholly situated outside in India.

FIRM OR ASSOCIATION OF PERSONS

- 1) **Resident :-** A firm or an AOP will be assessed as Resident of India if its control and management is wholly/partially situated in India
- 2) **Non Resident :** A firm or an AOP will be assessed as non resident in India if it is wholly/partly controlled and managed from outside India.

COMPANY

- 1) **Resident :** A company will be assessed as resident in India if :
 - i) It is an Indian Company

OR
 - ii) It is controlled and managed wholly within India.
- 2) **Non-Resident :** A company which is neither an Indian company nor it is wholly/partly controlled and managed from outside India, is called as non-resident.



RESIDENTIAL STATUS AND TAX INCIDENCE (LIABILITIES)

Tax liability of an assessee depends upon the residential status on which income he is liable to pay tax and which incomes are not taxable for him, for determination of this matter, now we have to understand the relationship between residence and tax liabilities :

- a) Tax liability of **Resident**
 - i) Income received or deemed to be received in India.
 - ii) Income accrued or deemed to be accrued in India.
 - iii) Income received or accrued outside the India
- b) Tax liability of **Not ordinarily resident:**
 - i) Income received or deemed to be received in India.
 - ii) Income occurred or deemed to be accrued in India.
 - iii) Income business situated outside India but controlled and managed from India
- c) Tax liability of **non residents:**
 - i) Income received or deemed to be received in India
 - ii) Income occurred or deemed to be accrued in India.



UNIT-II

INCOME FROM SALARY

Computation of Income from Salary

Assessment Year 2018-19

(A) Cash Receipts		
:- Salary		-----
Bonus		-----
Commissio		-----
n		-----
Allowances		-----
Advance Salary		-----
Arrears of Salary		-----
(B) (i) Employer's Contribution in R.P.F.		-----
(Recognized provident fund) in excess of		-----
12% of salary		-----
(ii) Interest on R.P.F. in excess of 9.5%		-----
C) Perquisites:-		-----
Rent free house		-----
Medical facility		-----
Motor car		-----
Education facility		-----
	Gross Salary	<u>(-----)</u>
Less:- Deduction u/s 16 (ii)		
Entertainment allowance	.....	<u>-----</u>
Less:- Deduction u/s 16 (iii)		
Professional tax	<u>-----</u>	
	Taxable Salary	

Deduction form Gross Salary

(1) Entertainment allowance u/s 16(ii) :- This deduction is allowable only to government employees.

Salary = Basic Salary :-

- (i) Allowance received
 - (ii) 20% of Salary
 - (iii) Rs. 5000
- } Whichever is less

(2) Professional Tax or Employment tax u/s 16(iii):-

Actual Payment will be deductible.



Allowances		
Fully Taxable Allowance	Fully Tax free allowance	Partly Taxable allowance
(1) City compensatory allowance (2) Dearness Allowance (3) Deputation Allowance (4) Entertainment Allowance (5) Family allowance (6) High cost of living allowance (7) Medical Allowance (8) Non-practicing allowance (9) Overtime allowance (10) Project allowance (11) Rural area allowance (12) Servant allowance (13) Tiffin allowance (14) Warden and proctor allowance	1) Conveyance allowance 2) Travelling allowance 3) Tour allowance 4) Helper or assistant allowance 5) Academic and research allowance 6) Uniform allowance 7) Special allowance for performing duty. Above allowances will be fully exempted if :- (i) Whole amount is spent (ii) Amount is spent for office use only	1) Education allowance 2) Hostel allowance 3) Tribal area allowance 4) Transport allowance 5) Composite hill compensatory allowance 6) Running allowance to the employees of transport undertakings 7) House rent allowance 8) Under Ground Allowance

Rules regarding partly taxable allowance

- 1) Education allowance :-** Exempted to Rs.100/- P.M. per child for maximum 2 children i.e. $100 \times 2 \times 12 = \text{Rs.}2,400/-$
- 2) Hostel allowance :-** Exempted up to Rs. 300/- P.M. per child for maximum 2 children i.e. $300 \times 2 \times 12$

= Rs. 7,200

- 3) Tribal area allowance:-** Exempted up to Rs. 200/- P.M.
- 4) Transport allowance:-** Allowance for going to office and coming back to home is exempted up to Rs. 1600 P.M.
- 5) Composite hill compensatory allowance:-**
 - Manipur, U.P., H.P. and J & K where height is 9000 ft. and above Rs. 800 P.M. exempted
 - In Siachin area Rs. 7000 P.M. exempted.
 - Places located at a height of 1,000 meter or more above the sea level Rs. 300 per month.
- 6) Running allowance for employees of Transport undertakings**

70% of allowance received or

Rs. 10,000/- P.M.

Whichever is less is exempted



7) House Rent allowance:-

Salary = Basic Salary + D.A. Under the terms + Commission at fixed percentage

Allowance received		-----
Less:-	Whichever	
1) Allowance received		-----
2) Rent paid - 10% of salary	is less will be	-----
3) 40% or 50% of salary		-----
Taxable H.R.A.		-----

**8) Under Ground Allowance :- Exempted upto Rs. 800 Per Month
Perquisites**

Tax free perquisites	Taxable perquisites	
	For all class of employers	For Specified employers
1) Refreshment facility	1) Rent free house	1) Servant facility
2) Telephone facility	2) Concessional rent house	2) Gas, Water & electricity facility
3) Medicinal facility	3) Liabilities of employee paid by employer	3) Free education facility (exceeding Rs. 1000 P.M. Per child)
4) Expenses on Training	4) Interest free or concessional loan exceeding Rs. 20,000	
5) Sale of goods as concessional rate	5) Use of movable assets [10% of cost will be Taxable]	
6) Issue of shares/debentures at concessional rate	6) Transfer of movable assets [W.D.V. - Transfer price]	
7) Free Conveyance facility	7) Medical reimbursement (exceeding Rs. 15000)	
8) Free Accommodation for employees		
9) Scholarship to children of employee		
10) Leave travel concession or assistance		
11) Loan facility up to 20000		
12) Free use of computers		
13) Free Education facility up to Rs. 1000 P.M. per child		
14) Health club and sport facilities		
15) Tax paid on perquisites		



16) Group insurance and accidental insurance premium paid by employer		
17) Transfer of 10 year old movable assets		
18) Free meal upto Rs. 50		

Rules Regarding Retirement

1. **Monthly Pension** - Fully Taxable
2. **Computation of Pension** -
 - (A) Government employee - Fully exempted
 - (B) Other employee
 - (i) If employee is getting Gratuity - 1/3rd of total pension will be exempted
 - (ii) If gratuity employee is not getting gratuity - 1/2th of total pension will be exempted.
3. **Gratuity** -
 - (A) Government employee - fully exempted
 - (B) Employee covered under gratuity payment 1972

Salary = Basic salary + Dearness allowance (which is under the terms of employment or not)

Gratuity received	-----
Less :-	
1. Gratuity received	-----
2. $\frac{\text{Salary last drawn} \times \text{Service Year}}{26} \times 15$	-----
3. Maximum limit Rs. 10,00,000	-----
	Whichever is less
	(-) -----
	-
Taxable Gratuity	-----

Note:- Salary will be calculated on the basis of last months receipts

- (C) Employee not covered under Gratuity payment Act 1972

Salary = Basic Salary + Dearness allowance under the terms + Commission at fixed percentage

Gratuity received	-----
Less :-	
1. Gratuity received	-----
2. $\frac{\text{No. of Completed year} \times \text{Preceding 10 month average salary}}{2}$	-----
3. Maximum limit Rs. 10,00,000	-----
	Whichever is less
	(-) -----

Taxable Gratuity	-----



Note:- Salary will be calculated on the basis of last months receipts

(4) Earned Leave Salary:-

- (A) Government employee – Fullyexempted
- (B) Non Govt. employee –

Salary = Basic salary + D.A. under the terms+Commission of fixed percentage

Salary received for earned leave		-----
Less :-		
1) Salary received for earned leave -----	Whichever	
2) Salary of approval period -----		
3) Salary of 10 months -----	is less will	(-) -----
4) Maximum limit Rs. 3,00,000 -----	be	-
Taxable earned leave Salary		-----

Note:- Salary will be calculated on the basis of last to month’s average salary.

(5) Compensation on Retrenchment

Salary = Basic salary + Allowances Taxable + All taxable perquisites

Compensation received		-----
Less :-		
1) Compensation received -----	Whichever	
2) Salary of 15/30 days on the completed year of service (under industrial dispute act 1947) -----	is less	(-) -----
3) Maximum limit Rs. 5,00,000 -----		-
Taxable Amount		-----

Note:- Salary will be calculated on the basis of last 3 month’s average salary

(6) Amount received from provident fund:-

Amount received from statutory P.F. and Recognised P.F. will be fully exempted but amount received from unrecognised P.F. will be taxable as under-

- (i) Employer’s share with interest will be taxable in the head of salary
- (ii) Interest on employee’s share will be taxable in the head of other sources.



INCOME FROM HOUSE PROPERTY

The second head of Income is income from house Property. In this head of income, we compute the income received by an assessee from the house owned by himself. There are some incomes which arise from house, Owned by the assessee, but not to be included in this head:

1. Income from staff-quarters.
2. House used by the assessee for his own business or profession.
3. House Let out to government authorities for police station, fire brigade, bank, insurance company etc. for taking assistance in the business.

Similarly, income from subletting house or sub-tenancy will not be the part of this head.

Exempted Income from house properties:

Some incomes are been declared exempted which have arisen from house properties.

1. Income from self-residential house
2. Income from official residence of former rulers.
3. Income of some social & charitable institutions.
4. Income from agricultural farm house.

From the Income-tax point of view, house properties can be classified into 4 parts:

1. Self-Residential House:

Computation of Income from House Property Assessment year 2018-19

Gross Annual value of self-occupied house	NIL
Less: Interest on loan (Rs. 30,000/ Rs. 2,00,000)	
Income from House Property	-----

2. Let-Out House:

Computation of Income from House Property Assessment year 2018-19



Gross Annual Value	-----
Less: Municipal Taxes	(-) -----

Net Annual Value	
Less: Deduction u/s 24:	
(i) Standard deduction (30% of N.A.V.)	-----
(ii) Interest on loan	-----
Income from House Property (Taxable)	=====

3. Partly let-out & Partly self-occupied House:

4. Some part of the house is self-occupied for the whole year and remaining portion is let out for some period by self-occupies for the remaining period:

2/3 Self-occupied	10 months Let out
	2 months Self-occupied

While doing valuation in this case, actual rent will be calculated of the whole house for the let-out period only. But, fair-rent and municipal-valuation will be taken for the whole year



UNIT-III

Income from Business/Profession

Third important head of the income is 'Profit and gains of business or profession. Major part of the revenue is collected by income tax department from the tax payees engaged in business activities.

Meaning of Business- Sec. 2 (13)

Business includes any trade, commerce or manufacture or any adventure or concern in the nature of trade, commerce or manufacture.

"Profession" includes 'Vocation' Sec. 2 (36)

Profession- The expression Profession involves the idea of an occupation requiring Purely intellectual skill or manual Skill controlled by the operator as distinguished from an occupation or business which is substantially the production/ sale/ arrangements for the production or sale of commodities.

Vocation: In the act, It implies natural ability of person for some particular work. In the other words by the way in which a man passes his life.

Profits and Gains of business/ Profession include-

1. Profit from trading activities
2. Compensation
3. Receipts from Profession
4. Profit from speculation business
5. Brokerage
6. Commission
7. Import-export Incentives
8. Income of trade Associations
9. Royalty etc.

Traders, Manufactures, Suppliers, banks, insurance Companies transporters, lawyers, doctors, engineers, singers, insurance agents, trade Associations, money lenders etc. are covered under this head.

The following conditions should be fulfilled for allowing deduction under the Section-

1. Expenditure must be in revenue nature, capital expenditure is not allowed.
2. Expenditure must be related to business/profession.
3. Expenditure must be actually made reserve/provision made for any expenses is not allowed.
4. Expenditure must not be personal/Domestic
5. Expenditure must be paid/ payable during the year.

Computation of income from business assessment year 2016-17



Net profit as per P & L a/c or surplus as per income & exp. a/c	
Add- Disallowed expenses & Losses debited to P&L A/c:	
1. Household expenses/ Personal expenses	
2. Life insurance premium	
3. Int. on capital	
4. Income tax & wealth tax	
5. Capital expenditures & capital losses/ Speculations	
6. Fees & penalties (except penalty in the form of interest for late payment of sales tax)	
7. Reserves & provisions (except prov. For payment of excise duty)	
8. Capital expenditure on advertisement expenses new sign board.	
9. Adv. In souverior of political party.	
10. Donation to political parties	
11. Charities & donation (except compulsory subscription for business)	
12. Personal gifts & presents	
13. Cash payment exceeding Rs. 20,000 of the whole amt. will be disallowed.	
14. Payment outside India without TDS	
15. Excess payment to relatives	
16. Excess dep. Charged in P & L a/c	
17. Irrelative exp. Of business	
18. Fringe benefit tax (FBT)	
19. Securities transaction tax (STT)	
20. Income tax on perquisites	
21. Valuation of closing stock	
22. Exp. On intangible assets like patents copyright, know how etc. (25% dep allowed on it)	
23. Preliminary expenses (4/5 th disallowed)	
24. Exp. On prospecting of minerals (9//10 disallowed)	
25. Exp. On family planning program	
26. Provision for Gratuity [u/s 40 A (7)]	(+) -
Total	-
Less- Allowed expenses and allowances which are not debited to P&L A/c wholly/partly for instance depreciation:	
1. Allowed bad debts	
2. Allowed depreciation	
3. Any other allowed expenses	
4. Banking cash transaction tax	(-) -
Less : Income not related to business but credited to P&L A/c:	-
1. Rent from house property.	
2. Selling price/profit from sale of assets.	
3. Interest and dividend	
4. Int. on post office savings a/c	
5. Income tax refund	
6. Agricultural income	
7. Bad debts recovered which were previously disallowed as bad debts	
8. Personal/ Family Gift	(-) -
Add : Add- deemed income which are not recorded in the books:	(+) -
Taxable Income from Business/ Profession	-----

Deductions expressly allowed in respect to expenses and allowances (sec. 30 - 37)



1. Rent, taxes, insurance, repairs etc. of the building: If an assess is running his business in a rental house, then rent and all other expenses will be fully allowed. But if the business is running in own house, then rent will be fully disallowed and other expenses will be allowed proportionately. (Sec. 30)
2. Repairs & insurance of other assets: If an assessee has taken insurance of plant & machinery, furniture, motor car etc. or spent on repairs of these assets, then the whole amount will be fully allowed. (Sec. 31)
3. Depreciation: (sec. 32) depreciation will be allowed on all those assets at prescribed rates, which are allowed by the assessee and are used in business of profession

Dep. On leasehold assets will not be allowed and also on foreign cars.

Dep. Will be allowed on any asset only when it is existing the business on the last day of the previous year Mar'31, 10. If an asset has been sold or destroyed before this date, then dep. Won't be allowed on such asset.

If an asset is used for a period. of 180 days or more in an year, then only dep. Will be allowed for the whole year. But, if an asset is used for less than 180 days in a year, then dep. will be allowed at prescribed rate for the half year.

Dep. is to be calculated on the WDV of the asset which will be calculated As under:

WDV on 1 st Apr. 09		.....
(+) Cost of new asset purchased		(+)
	Total	.....
(-) Sales Price of the asset sold		(-)
WDV on 31 st Mar.010		.....

Following are the prescribed rates of depreciation on some of the important Assets.

- | | |
|---|------|
| i. Residential Building | 5% |
| ii. Commercial Building | 10% |
| iii. Furniture | 10% |
| iv. Motor Car | 15% |
| v. Scooter, motorcycle | 15% |
| vi. Plant & Machinery | 15% |
| vii. Intangible assets like patent, copyright, know how etc | 25% |
| viii. Computer | 60% |
| ix. Professional books : | |
| a) Books annually published | 100% |
| b) Other books | 60% |

20% additional dep. will be allowed on assets purchased during the previous year. But assets use for less than 180 days rate of additional depreciation will be 10%

4. Expenditure on scientific research: Every amount of such expenditure, whether it is capital or revenue, will be fully allowed. (Sec. 35)
5. Contribution to national laboratory: Weighted deduction of 200% will be allowed. [Sec. 35(2AA)]
6. Patents, copyright, technical know how: Exp. On them exp. On various intangible assets like patent, copyright license, trademark, know how etc. will be treated as capital expenditure hence it all be disallowed if it is written in P & L a/c (Sec. 35 A & 35 AB) Being a capital expenditure, 25% dep. Will be allowed on it. (If intangible assets acquired after 31/3/98). In case of Patent/ copyright acquired before 1/4/1998 it would be allowed in 14 years equal installments.
7. Preliminary Expenses: They are allowable in 5 equal annual installments. It means that every year, 1/5th will be allowed & 4/5 disallowed. (Sec. 35 D)
8. Expenditure on prospecting of minerals: Allowable in 10 equal annual installments i.e. every year 1/10th allowed and 9/10th disallowed. (Sec. 35 E)



9. Exp. On family planning programs: If some amount is spent by the assessee on family planning programs of employees, allowed fully capital expenditure is allowed 1/5 portion and revenue expenditure whether it is capital or revenue expenses will be fully disallowed. [Sec. 36 (i) (ix)]
10. Payment for rural development program: This expense will be allowed fully only when the payment is made to an approved institution. (Sec. 35 CCA)
11. Security, transaction Tax
12. Other deduction (Sec 36) Insurance Premium, Bonus Bad Debts, Commission, Interest on capital, Contribution to P.F./ Gratuity fund
13. Tea, coffee & rubber Development Account (Sec. 33AB)
14. **Examples of expenditure allowable as a deduction u/s 37 (1)**
 - I. Expenses relating to sale- purchase/ Manufacturing
 - II. General expenses for running business.
 - III. Remuneration to employees
 - IV. Compensation/ damages
 - V. Legal expenses
 - VI. Indirect Taxes
 - VII. Expenditure on raising loans
 - VIII. Expenditure on advertisement
 - IX. Other expenses are allowed as per business needs
 - a. Guest house Expenses, Entertainment expenses, advertisement, travelling etc.
 - b. Telephone deposit and installation changes.
 - c. Expenditure on labour welfare
 - d. Subscription/ contribution/ fees paid to any institution in the interest of business.
 - e. Office expenses, Royalty, Commission, brokerage etc.
 - f. Civil defence expenses
 - g. Expenditure on training of employees/ apprentices
 - h. Rebate or discount allowed to customers
 - i. Professional tax levied by state Govt.
 - j. Express incurred on the occasion of Diwali Muhurat, Business anniversary/ exhibition, festival etc.
 - k. Interest paid for delay payment of sales tax etc.
 - l. Fees/ Remuneration to tax consultant/ Advocate
 - m. Expenses related to tax procedure/ registration of trade mark to promote family planning among the employees.
 - n. Some losses are allowed like- destruction of stock due to fire, theft or war, embezzlement by employee etc. Any other expenses/ losses related to business which is in the revenue nature
 - o. Audit fees
 - p. Taxes imposed by local authority

Allowable losses: following items of losses are allowable in the head of business or profession.

- a) Lost of cash or stock due to embezzlements by employees
- b) Lost of cash or stock due to theft or robbery.
- c) Lost of stock due to war or natural calamity
- d) Lost of lapsation of advance

Deductible expenses on actual payment: Following expenses will be deductible if it is paid before due date of filing income tax return. These expenses are issued. [Sec. 43 (b)]

- a) Govt. dues- (Tax/ duty etc.)
- b) Bonus, comm. etc. payable to employees
- c) Interest on intuitional loan.
- d) Contribution to P.F.



Deemed Profits (Sec 41)

It is deemed to be income from business under Income tax Act

1. Remission of liability/ Recoupment of Loss/ Expenditure
2. Amount realised on transfer of an asset used for scientific research
3. Recovery of Bad Debts
4. Amount withdrawn from special reserve by financial institution
5. Receipts after discontinuance of business

Methods of Accounting (Sec. 145)

Accounting system adopted by the assessee should be considered while computing income from Business. Books of account may be maintained either mercantile system or cash system-

- a. **Mercantile System-** If an assessee keeps his books of account on the basis of mercantile system then net profit / loss of business will be determined after making necessary adjustments (any income/ expenditure will be taken in computation which is related to the previous year either it is paid/ unpaid, received/ receivable)

Income-

Income received during the year
Add- Accrued income
Less- Unaccrued income
<hr/>
= Net income related to previous year.

Expenditure-

paid during the year
Add- Due but outstanding
Less- Prepaid/ Advance Expenses
<hr/>
= Net expenditure related to previous year.

- b. **Cash system-** In this system all revenue receipts will be included in the income which are received during the year on the other hand all revenue expenses which are paid during the year will be deducted from gross receipts. In cash system no adjustment in respect of accrued, unaccrued income/ outstanding, prepaid expenses will be considered.

Computation of Income Relating to specific Business

Ascertainment of taxable income is typical in case of some business activities like retail trade, small transports and contractors, therefore. Special provisions have been made to assess the taxable income of such specific business on estimation basis under the Income tax act. These provisions are optional. If the assessee does not want to assess his income related to specific Business under these Provision,- he must to maintain regular accounts and gets audited them.

I. Special Provisions for Computing Profits and gains of small business of civil construction, etc. [Sec. 44AD]

1. Gross receipts not more than Rs. 1 Crore (Paid/ Payable)
2. Deemed profit equal to 8% of the gross receipts paid/payable in previous year
3. Deductions of business head not allowed
4. Maintenance of books and audit is not compulsory
5. In case if the profit is less than 8% provisions of sec. 44AD shall not apply where the assessee claims and produces evidence to prove this then the Assessing officer shall proceed to make an Assessment of the total income/loss and determine the sum payable by the assessee. Assessee has to keeps and maintains such accounts Books and other documents as required u/s 44 AA & furnishes a report of such audit as required u/s 44AB.
6. The Assessee will entitle for deductions u/s 80 c to 80 u against GTI.
7. If the assessee is a firm the salary and interest paid to its partners shall be deducted from their income computed u/s 40 (b)

II. Special Provisions for Computing Profits and gains of business of plying, hiring or leasing goods carriages [Sec- 44AE]



1. In case of an assessee who owns not more than 10 (at any time in the Previous year) goods Carriages
2. Estimated profit on heavy goods vehicle or light vehicle shall be an amount equal to Rs. 7,500 (A.Y. 2018-19) for per month or part of a month.
3. Further deductions are not allowed.
4. Maintenance of books and audit is not compulsory.
5. If assessee shows income lower than a foresaid limit sec. 44AF shall not apply where the assessee claims and produces evidence to prove this then the assessing officer shall proceed to make an assessment of the total income/loss and determine the sum payable by the assessee. Sec 143 (3) Assessee has to keeps and maintains such accounts Books and other documents as required u/s 44 AA & furnishes a report of such audit as required u/s 44A
6. If the assessee is a firm the salary and interest paid to its partners shall be deducted from their income computed u/s 40 (b)

III. Expenses deductible from commission earned by insurance agents etc.

Adhoc deduction from commission earned by insurance agents, UTI agents, Mutual funds agents and Govt. securities agents are allowed as under when given 2 conditions are fullfil by assessee-

1. If agent who do not maintain detailed accounts for expenses incurred of Agency
2. If gross aggregate commission should be less then Rs. 60000 during previous year.

Commission	Adhoc Deduction
1. Agent of LIC of <ul style="list-style-type: none"> • First year's commission • Renewal commission 	50% of commission
<ul style="list-style-type: none"> • When first year and renewal commission separate figures are not available 	15% of renewed commission OR maximum limit 20000, whichever is less.
<ul style="list-style-type: none"> • Bonus commission 	33 ¹ / ₃ % earned during the Previous Year
2. Commission received by authorized agents of unit trust of India	No Deduction allowed
3. Commission received by authorized agents of Govt. & Post office securities	50% of commission
4. Commission received by authorized agents of notified mutual fund	50% of commission



Income from Capital Gain

Meaning of capital gains (Sec. 45)

Any profit or gain arising from the sale or transfer of a capital asset is chargeable to tax under the head "Capital Gains", Capital asset means any movable or immovable asset like land, building, plot, gold, silver, jewellery, shares, securities etc. Profit/Loss arising from transfer of such assets is compared under the head of capital gain from Income tax point of view.

Definition of Capital Asset Sec-2 (14) -

Capital asset means property of any kind, whether fixed or circulating, movable or immovable, tangible or intangible e.g. land, building, plot, gold, silver, precious metals, jewellery, shares, securities, furniture, machinery etc.

Exception -

1. Though Property of any kind held by an assessee whether or not connected with his business/profession is included in the definition of 'Capital Assets' it does not include -

1. Stock in trade
2. Personal effect Assets (which is personally used by assessee and family member)
3. Agricultural land in rural area
4. Gold Bonds
5. Special Bearer Bonds
6. Gold deposit bonds

} **Which is issued by Central Government**

2. Items included under capital gains Sec. -45

1. Profit from transfer of Capital Assets Sec. 45 (1)
2. Insurance Claim Sec. 45 (1A)
3. Conversion of Capital Assets into stock in trade Sec.45 (2)
4. Assets transferred to Firm/AOP Sec. 45 (3)
5. Profit from distribution of capital assets on dissolution Sec. 45(4)
6. Profit arises from compulsory acquisition of capital Assets. Sec. - 45 (5).
7. Capital Gain on repurchase of units of Mutual Fund Sec. 45 (6)

Types of Capital Gains

1. Short term capital gain
2. Long term capital gain

Short term capital asset

- (i) Shares, securities, bonds, units are held by the assessee for not more than 12 months before transfer.
- (ii) Assets on which depreciation has been allowed under the Income Tax Act, whether depreciable asset held by the assessee more or less 36 months.
- (iii) Any other asset which is held by the assessee for not more than 36 months, e.g., land, building, precious metals, jewellery etc.

Long term capital asset

- (i) Shares, securities, bonds, units held by the assessee for more than 12 months.
- (ii) Other assets like building, gold, plot, land, jewellery etc. held by the assessee for more than 36 months.



Computation of Short term capital gain/loss (For the Assessment Year 2018-19)

Sales consideration	.....
Less – Aggregate amount of the following:	
(a) Transfer Expenses (Advertisement). Brokerage, legal exp. etc)	.....
(b) Cost of acquisition of the asset	.....
(c) Cost of improvement (-).....
Short term capital gain/less	.....

Computation Of Long Term Capital Gain/Loss (For the Assessment Year 2018-19)

Full value of consideration	
Less : Total of the following	.....
(i) Transfer expenses	.....
(ii) Indexed cost of acquisition	.....
(iii) Indexed cost of improvement (-).....
Long term capital gain/loss	.....

Formula:-

1. Calculation of Index cost of acquisition

(i) If assets acquired before 01.04.1981 by the Assessee

$$\text{Index Cost} = \frac{\text{Original Cost or fair market value on 1.4.1981 (which ever is more)} \times \text{Index for the transfer year 2015-16(1081)}}{\text{Cost inflation Index for 1981-82 (100)}}$$

(ii) If assets acquired on 01.04.1981 by the Assessee

$$\text{Index Cost} = \frac{\text{Cost of acquisition} \times \text{Index for the transfer year 2015-16(1081)}}{\text{Cost Inflation Index for the year in which the assets is acquired by the assessee}}$$

Note:- If the property is acquired before 1.4.81 then index for 1981-82 will be taken as index for the base year.



2. Calculation of Indexed cost of improvement

Formula:-

$$= \frac{\text{Cost of Improvement} \times \text{Cost Inflation index for the year in which the asset is transferred year}}{\text{Cost Inflation Index for the year in which Improvement to the asset took place.}}$$

Note:- Improvement cost incurred before 1.4.81 is not considered. It should be ignored. Only cost of improvement will be considered which is related after 31.3.81.

Exemption of Capital Gains

Exemptions are of two types

A. Exemption of capital gains under various sub-clauses of section 10;

1. Capital gain on transfer of units of US 64 exempt [Section 10 (33)]
2. Exemption of long-term capital gain arising from sale of shares and units and Securities Transaction Tax paid [Section 10(38)]
3. Capital gain on compulsory acquisition of urban agriculture land-Sec. 10(37)

B. Capital gains exempt from tax - Under section 54 to 54H

(i) Residential property converted in new residential property (Sec.54) within 3 years or before 1 year or after 2 years	Cost of new land or capital gain (which ever is less)
(ii) Agricultural land transferred and another agricultural land purchased within 2 year (Sec. 54B)	Cost of new land or capital gain (which ever is less)
(iii) Compulsory acquisition of land and building of industrial undertaking (Sec. 54D)	Cost of new land building or capital gain (which ever is less.)
(iv) Capital gain is invested in notified bonds (Sec. 54EC) NABARD, Rural Electrification Corporation Bonds, National Highway Authority of India etc.	Invested amount within 6 months
(v) Other capital gains invested in residential property (Sec. 54F) = $\frac{\text{Capital gain} \times \text{Cost of new house}}{\text{Net consideration}}$	Proportionate Exemption
(vi) Shifting of industrial undertaking from urban area to other area (Sec. 54G) or SEZ (Sec. 54GA)	Upto the cost of new industrial assets.
(vii) Capital gain on transfer of residential house property (sec.54GB)- w.e.f. of A.Y. 2016-17 a new exemption is available to an individual or a HUF in respect of LTCG gain. If assessee invest net consideration or part in equity shares before due date of furnishing the return, in eligible company it least 5 year he shall entitled exemption as under_ $\frac{\text{Invested amt in new equity share}}{\text{Net consideration}} \times \text{capital gain}$	Calculated Amount



Important Points

- Personal effect (clothing, furniture, utensils, vehicles etc.), Rural agricultural land, stock-in-trade, Gold Bonds, are not covered under the identification of "Capital Asset". So, profit or loss arising from the transfer of such assets is not noticeable.
- Depreciable assets will be treated as short-term asset even if such asset is held by the assessee for less than or more than 36 months.
- Indexed cost will not be allowed for the following long-term assets-
 - (i) Securities, Bonds, Units and debentures of company.
 - (ii) Listed shares of an Indian company sold outside Stock Exchange and the assessee wants to pay tax @ 10% for long term capital gain instead of 20%
 - (iii) Non-resident assessee opts taxation u/s 115C to 115I in respect of foreign exchange assets.

Calculation of cost of Original Shares & Bonus Shares

Bonus shares means shares allotted by a company to its existing share holders without any consideration. An assessee holds shares of a company and thereafter the company allotted him bonus shares on the basis of holding.

1. If original shares acquired before 1 April, 1981

The cost of actualisation will be taken-

Actual Cost of original shares

or

market value on 1.4.81, whichever higher is cost

2. If the original shares acquired after 1 April, 1981

Cost of actualisation will be actual cost

3. If the bonus shares acquired before 1st April, 1981

Cost of Bonus Shares – Market value on 1 April, 1981

4. If the Bonus shares acquired after 1 April, 1981

cost of Bonus Shares – Nil



: Income from other sources

This is the last and residual head of charge of income. An income which does not specifically fall under any one of the preceding four heads of income (viz Salaries, Income from house property, Profits and gains of business or profession or Capital gains) is to be computed and brought to charge under section 56 under the head Income from other sources.

COMPUTATION OF INCOME FROM OTHER SOURCES

S.No.	Items	Taxability
1.	Dividend on shares	
	(i.) Dividend from domestic company (ii.) Dividend from units (iii.) Dividend from non domestic company or co-operative society	Exempt Exempt Taxable as it is
2.	Interest on securities	
	(i.) Interest on tax free Govt. securities (ii.) Interest on less tax Govt. securities (iii.) Interest on commercial securities	Exempt Taxable as it is
	(a) If gross interest is given (b) If interest is given net and amount is more than Rs. 5,000 on listed debentures (c) Interest on tax free commercial securities (i) Listed debentures of a company (ii) Unlisted debentures of a company (d) Interest on Semi Govt. securities	Taxable as it is $\frac{\text{Int.} \times 100}{\text{Gross } 90}$ $\frac{\text{Int.} \times 100}{\text{Gross } 90}$ $\frac{\text{Int.} \times 100}{\text{Gross } 90}$ Gross Interest taxable
3	Interest on Bank Deposit – up to Rs. 10,000 If interest is more than 10,000 and given net, such amount will be grossed up.	Taxable as it is $\frac{\text{Int.} \times 100}{\text{Gross } 90}$
4	Co-operative interest and dividend	Taxable as it is
5	Interest on company deposits or firm's deposits (i) If interest amount is upto Rs. 5,000 (ii) If net interest is more than Rs. 5,000	Taxable as it is $\frac{\text{Int.} \times 100}{\text{Gross } 90}$
6	Lottery (a) If the prize amount is given and (b) If net amount is given and such amount is more than Rs. 5,000	Fully taxable $\frac{\text{Net amount} \times 100}{70}$
7	Horse race income	Fully taxable
8	Causal income	Fully taxable
9	Royalty, director's fees, article income, exam. Remuneration	Received income (-) expenses
10	Family pension	Received amount (-) 1/3 or 15,000 whichever is less
11	Income from sub tenant	Net income



12	Income from machinery, plant or furniture on hire.	Rent received (-) expensed and depreciation.
13	Agricultural income outside India	Taxable
14	Income from non agricultural land in India	Taxable
15	Salary of M.P. or M.L.A.	Taxable
16	Income from undisclosed sources	Taxable
17	Cash gifts : (if the aggregate amount exceeding Rs. 50,000 in a financial year) from other persons except relatives. <u>Less : Deduction allowed (above mentioned incomes)</u> (i) Interest Collection charges (ii) Interest on loan (iii) Any expenditure which is incurred by the assessee to earn such income	Fully taxable Actual amount Actual amount Actual amount

Calculation of Income from Sub-tenant

rent received from sub-tenant		.....
Less – Expenses allowed :		
(i) Rent paid by the assessee for the part which is sub let out	.....
(ii) Repairs and other expenses paid by the assessee regarding such part	.....	(-).....
Income from sub tenant		.....



UNIT-IV

Set off of losses and Carry Forward : Chart		
Heads of Income	Set off of Losses during current previous years	Carried forward and set off in subsequent years
1. Loss from house property (whether self occupied or rented)	Firstly setting off against another house property income and if required, from another heads of income.	Any income under the head Income from house property upto 8 subsequent assessment years
2. Non speculation business loss	Firstly setting off against another business income and if business income is not sufficient then another heads of income, except income from salary.	Any income under the head "Income from Business or profession" upto subsequent 8 assessment years.
3. Speculative business loss	Only against another speculating profit. If any	Only against speculative income under the head "Income from business or profession" upto subsequent 4 assessment years.
4. Short term capital loss	Any Income under the head 'Capital gain' either short-term or long-term.	Any income under the head 'Capital gains' upto subsequent 8 assessment years.
5. Long term capital loss	Only against long-term capital gain.	Only against long-term 'Capital gains' upto subsequent 8 assessment years.
6. loss from the activity of owning and maintaining horse race	Only against income from the activity of owning and maintaining horse race.	Only against income from the activity of owning and maintaining race horses upto subsequent 4 assessment years.
7. Unabsorbed depreciation of any period		Unabsorbed depreciation can be set off against income of any head (except salary income). There is no time limit for set off.

Chart : Deducting from Gross Total Income

Section	Name of deduction	Eligible person	Rate of deduction
80C	Contribution or payment for Life insurance, SPF, RPF, PPF, NSC, Mutual Fund, repayment of house loan, tuition fee etc.	Individual and HUF	Aggregate maximum deduction allowed u/s 80C, 80CCC and 80CC Rs. 1 Lac.
80CCC	Contribution to LIC pension fund (max. Rs. 1 Lac)	Resident individual	
80CCD	Contribution to pension fund employee's and Govt. or employers Contribution. (up to 10% of salary of each)	Central Govt. or other employee appointed on/or after 01.01.04	
80D	Medical Insurance premium	Resident Individual or HUF	(i) Self, spouse and children



			Rs. 15,000 (ii) Parents-maximum Rs. 15,000 (iii) Family member of HUF Rs. 15,000. Add- In case senior citizen up to Rs. 5,000 extra for (i),(ii) &(iii)
80 DD	Treatment and deposits for disable dependent	Resident individual & HUF	Fixed deduction Rs. 50,000(Rs.1 Lac in revere case)
80DDB	Expenditure on serious diseases	Resident individual or HUF	Actual expenditure or maximum Rs. 40,000
80 E	Payment of interest of higher education loan	Individual	Actual amount of interest
80G	Donation to Funds or Charitable institution	Every person	50% or 100% of donation as per provisions
80GG	Rent paid	Individual	(a) Excess rent 10% of toatal income (b) 25% of total income (c) Rs. 2,000 p.m. Whichever is less.
80GGA	Donation for Scientific research	Every person who has no income from business	100% of contribution
80GGB & GGC 80IA	Contribution to political party Infrastructure undertakings Power, Industrial park	Company, firm, HUF, individual etc. Company Every person	100% of contribution 100% of profit (10yrs.) 100% (10 yrs.)
80IB	New undertakings profits established during prescribed date	Every person	Company 30% other 25% for 10 years
80JJA	Bio degradable waste business	-do-	100% of profits
80JJAA	Employment of new workmen	Indian company	30% of additional wages
80 QQB	Royalty income of authors	Resident	Actual Royalty or maximum Rs. 3 Lac
80U	Person with disability	Individual	Fixed amount Rs. 50,000 revere disability Rs. 1 Lac.



Unit V

Computation of Total Income of an individual assessee

Assessment year 2018-19

<p>I. Income from Salaries (a) Basic salary, bonus, commission, D.A. and other taxable allowances. (b) Taxable perquisites (House, Gas-electric, servants etc.) (c) Any other receipt from employer</p> <p>Gross Salary</p> <p>Less- Deduction u/s 16 (1) Entertainment allowance (Govt. employee up to 5,000, Non-Govt.-Nil)</p> <p>(2) Professional tax (actual amount) paid during the previous year 2015-16</p>		<p>..... (-)</p>	
<p>II. Income from house property (a) Let out properties : Annual Rental Value municipal value for fair rent or actual rent whichever is more Less- Municipal Tax paid</p> <p>Annual value</p> <p>Less- Deductions : (i) Standard Deduction @ 30% of A.V.</p> <p>(ii) Interest on loan (paid or due)</p> <p>(b) Self-occupied house Annual rental value Nil Less- Deduction for interest on loan if the loan Is obtained- (a) Before 1.4.99- Actual interest or Rs. 30,000, whichever is less. (-)</p> <p>(b) After 31.3.99- Actual interest or Rs. 1.5 lac, whichever is less</p> <p>(c) Loan for repair or renovation – Actual interest or Rs. 30,000 whichever is less</p>		<p>(-)</p> <p>.....</p> <p>(-)</p> <p>Nil</p> <p>(-)</p>	
<p>III. Income from business or profession Net Profit or surplus Add- Disallowed expenses recorded in P&L account i.e., any type of reserve, donation, capital expenditure, personal expenses, Income Tax etc. Less- Allowed expenses which are not Included in the books, e.g. allowed</p>		<p>..... (+)</p>	



depreciation, bad debts etc. Less- Other incomes which are credited to P. & L. account but not related to business, e.g., house rent, interest, dividend, capital receipts etc.		(-)	
		(-)
IV. Capital Gains			
(a) Short term capital gains (shares, securities etc. up to 12 months and other assets upto 36 months) Sales consideration		.....
Less- (i) Cost of acquisition	.....	
(ii) Cost of improvement	.....	
(iii) Transfer expenses	.....	(-) .....
(b) Long term capital gains (shares, securities etc. more than 12 months and other assets more than 36 months) Sales consideration		.....
Less- (i) Index cost of acquisition	.....	
(ii) Index cost of improvement	.....	
(iii) Transfer expenses	.....	(-) .....	.....
V. Income from other sources Interest on Govt. securities, bank interest, other Interest, royalty, fees, subtenant income etc.			
Gross			.....
Total			.....
Income			.....

(A) Tax @20% on LTCG	.....
(B) Tax @30% o casual Income	.....
(C) Tax on other incomes	

Tax rates for individual

First 2,50,000	NIL
On Next Rs. (2,50,001-5,00,000)	5%
On Next Rs. (5,00,001-10,00,000)	20%
Above Rs (10,00,000)	30%

Senior Citizen (60 years or more but less than 80 years)

First 3,00,000	NIL
On Next Rs. 3,00,000 (3,00,001-5,00,000)	5%
On Next Rs. 5,00,000 (5,00,001-10,00,000)	20%
Above Rs 10,00,000	30%

Super Senior Citizen (80 years or more)

First 5,00,000	NIL
5,00,001-10,00,000)	20%
Above Rs 10,00,000	30%